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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/912,455	07/24/2001	Jovan E. Lebaric	073169 0278126	4456
7590	12/16/2003		EXAMINER	
PILLSBURY WINTHROP, LLP 1600 TYSONS BOULEVARD MCLEAN, VA 22102			TRINH, MINH N	
			ART UNIT	PAPER NUMBER
			3729	

DATE MAILED: 12/16/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/912,455	LEBARIC ET AL.
Examiner	Art Unit	
Minh Trinh	3729	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 17 October 2003.

2a) This action is **FINAL**.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-31 is/are pending in the application.

4a) Of the above claim(s) 13,14 and 26-31 is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-12 and 15-25 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. §§ 119 and 120

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

    1. Certified copies of the priority documents have been received.

    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

    a) The translation of the foreign language provisional application has been received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_

4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_

## DETAILED ACTION

1. The amendment filed in paper No. 10, dated 10/17/2003 has been fully considered and made of record.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 1, 3-12 and 15-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumoto et al. This rejection is set forth in prior Office Action, Paper No. 9, paragraph 7.
4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumoto et al in view of Applicant Admitted Prior Art [APA] (see Applicants' Specification page 2). This rejection is set forth in prior Office Action, Paper No. 9, paragraph 8.

### ***Response to Arguments***

5. The Amendment to the claim filed in paper No. 10 has overcome the claims rejection under 35 USC 112 second paragraph.
6. Applicants' arguments filed 10/17/2003 have been fully considered but they are not persuasive. With respect to claim rejections under 35 USC 103(a). Applicants argue that Matsumoto et al does not teach or suggest the method of manufacturing antenna; the side stem configuration; operation within 900Mhz; the side stem antenna is

designed to mount to the PCB in a match impedance manner as recited in the rejected claims (see under "Remarks", page 9-10). The Examiner disagrees for the following reasons:

- a) First, Matsumoto et al teach the method of the manufacturing antenna (see col. 1, lines 44-58),
- b) Second, Matsumoto et al teach the side stem antenna (31b, Fig. 5) and its configuration as shown in Figs. 5-7.
- c) Third, regarding the operation at 900mhz. Again, this is not recited in the rejected claims. Further, applicants argue that the reference fails to show certain features of applicants' invention, it is noted that the features upon which applicant relies as discussed above are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).
- d) Finally, regarding the side stem antenna is designed to mount to the PCB in a match impedance manner. This is not recited in the rejected claim. However, applicants are referred to col. 6, line 22-25 which described the top plate is being used as the printed circuit board.

Furthermore, Applicants' arguments, regarding the recitation "an antenna capable of being mounted on a PCB" has been considered but is not persuasive because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble

for completeness but, instead, the process steps are able to stand-alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976)

For all reasons above, Applicants' arguments are not persuasive and are not clearly point out the patentable novelty which they thinks the claims present in view of the state of the art disclosed by the references cited or the rejections made. Therefore, the prior art rejection is maintained for same reasons of the record.

7. This application contains claims 13-14 and 26-31 drawn to an invention nonelected invention in Paper No. 7. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

#### **Interviews After Final**

8. Applicants note that an interview after a final rejection will not be granted unless the intended purpose and content of the interview in presented briefly, in writing (the agenda of the interview must be in writing). Such an interview may be granted if the examiner is convinced that disposal or clarification for appeal may be accomplished with only nominal further consideration. Interviews merely to restate arguments of record or to discuss new limitations which would require more than nominal reconsideration or new search will be denied. See MPEP 714.13 and 713.09.

#### **Conclusion**

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh Trinh whose telephone number is (703) 305-2887. The examiner can normally be reached on Monday -Thursday 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on (703) 308-1789. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7307 for regular communications and (703) 305-3579 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

mt  
December 12, 2003



PETER VO  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700